IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CIVIL ACTION NO. 5:21-CV-00102-KDB-DSC

TIFFANY MICHELLE PAXTON,)
Plaintiff,)
v.	ORDER
LVNV FUNDING LLC et. al.,)
Defendants.	,)

THIS MATTER is before the Court on "Defendants' Motion to Dismiss" (document #8) and Plaintiff's "Motion to Stay Proceedings" (document #14).

Defendants' Motion to Dismiss is premised in large part on application of the <u>Rooker-Feldman</u> doctrine. <u>Plyler v. Moore</u>, 129 F.3d 728, 731 (4th Cir. 1997) (lower federal courts generally lack jurisdiction to review state court decisions). Defendants contend that Plaintiff's federal claims arise entirely from a \$727.37 judgment Defendants obtained against her in the Justice Court of Jackson County, Mississippi. <u>See LVNL Funding LLC v. Paxton</u>, Book 9018, Page 3014, Jackson County Justice Court.

In the Amended Reply in support of her Motion to Stay, Plaintiff credibly asserts that her motion to set aside that judgment was granted orally. Document #17 at 2. A draft order has been submitted and the parties are awaiting a signed order from the Mississippi court.

The disposition of the Mississippi matter will at a minimum require supplemental briefing of the Motion to Dismiss. The Court concludes that principles of judicial economy and efficiency

will be better served by temporarily staying this case and denying the Motion to Dismiss

administratively without prejudice to Defendants' right to re-file.

IT IS HEREBY ORDERED that:

1. Plaintiff's "Motion to Stay Proceedings" (document #14) is **GRANTED IN PART**.

No later than December 16, 2021, the parties shall file a status report including a copy

of any order entered by the Mississippi court. This action is **STAYED** until the earlier

of the filing of that status report or December 16, 2021.

2. "Defendants' Motion to Dismiss" (document #8) is ADMINISTRATIVELY

DENIED AS MOOT without prejudice to Defendants' right to re-file the same or

similar motion.

3. The Clerk is directed to send copies of this Order to counsel for the parties and to the

Honorable Kenneth Bell.

SO ORDERED.

Signed: November 16, 2021

David S. Cayer

United States Magistrate Judge